

**FIFTY-FIRST DAY**

(Tuesday, April 10, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Wagonseller
Lane	

Absent

Hazlewood

Absent—Excused

Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leave of Absence**

Senator Weinert was granted leave of absence for today on account of illness on motion of Senator Shofner.

**Message From the House**

Hall of the House of Representatives,  
Austin, Texas,  
April 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 56, Instructing the Enrolling Clerk of the House to make certain typographical correction in Section 3 of House Bill No. 43.

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

**Senate Concurrent Resolution 44**

Senator Moffett offered the following resolution:

S. C. R. No. 44, Relating to the Seventy-fifth Anniversary Muster of the Texas A. & M. College.

Whereas, The Agricultural and Mechanical College of Texas—our oldest state supported institution of higher learning—is seventy-five years old, and throughout the present school year this important milestone in the history of this institution and of higher education in Texas as well, has been observed by means of various special events and occasions; and

Whereas, Throughout the seventy-five years of its existence the A. & M. College of Texas, together with other schools and services forming the Texas A. & M. College system, has through education, research, and extension become a vital factor in the agricultural, technical, and industrial development of Texas and, through its military training program, has been a continuing source of strength for national defense—the latter being fully exemplified by the fact that the A. & M. College of Texas has not been exceeded by any other institution in the number of officers or other highly trained personnel provided for our country's defense in the recent global struggle, and

Whereas, The College started as a small and unimposing school in a pioneer atmosphere in 1876, and has grown as Texas has grown; it has contributed much to the growth of Texas and has received from the State in turn the impetus for its own further growth; its past is as inseparably linked with the past of Texas as its future is linked with the future of the young men of Texas, and

Whereas, The final impressive ceremony in observance of the Seventy-fifth Anniversary of the opening of an outstanding educational institution will be the Annual Muster held on San Jacinto Day, April 21, 1951, at the A. & M. College, at other points in Texas, and throughout the world where A. & M. Clubs gather annually to honor those sons of the College who died in defense of their country and the institution which has served Texas so well in both peace and war; now, therefore, be it

Resolved, That the Senate of the 52nd Texas Legislature, the House of Representatives concurring, on be-

half of the entire citizenship of Texas, does here and now record its appreciation of the A. & M. College of Texas, its faculty, its staff, and its students—past and present—who by their accomplishments have so well justified the faith of the people of Texas in this great institution which has contributed continuously and substantially to the progressive economic development of our great State and to the public interest of all Texas citizens; and be it further

Resolved, That the Senate of the Fifty-second Texas Legislature, the House of Representatives concurring, on behalf of the people of Texas does join in spirit with the students and former students of the College who will on April 21, 1951, observe the Seventy-fifth Anniversary Year Muster in grateful tribute to those sons of the College who paid with their lives in supreme sacrifice for their country; and be it further

Resolved, That a copy of this resolution be sent to the Chancellor of the A. & M. College system, another copy to the President of the A. & M. College, and a third copy to the President of the Former Students Association of that great educational institution.

MOFFETT  
BRACEWELL  
COLSON

The resolution was read.

On motion of Senator Moffett, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Reports of Standing Committees

Senator Carney submitted the following report:

Austin, Texas,  
April 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred Senate Bill No. 356, have had the same under consideration, and are reporting it back to the Senate with the recommendation that it do pass and be printed.

CARNEY, Chairman

Senator Hardeman submitted the following reports:

Austin, Texas,  
April 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 105, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman

Austin, Texas,  
April 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 458, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman

Austin, Texas,  
April 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 223, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

HARDEMAN, Chairman

Austin, Texas,  
April 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred H. B. No. 409, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

HARDEMAN, Chairman

Senator Carter submitted the following report:

Austin, Texas,  
April 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 343, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARTER, Chairman

Senator Strauss submitted the following report:

Austin, Texas,  
April 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred H. B. No. 512, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

STRAUSS, Chairman

Senator Bullock submitted the following report:

Austin, Texas,  
April 10, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 78, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

BULLOCK, Chairman

#### House Concurrent Resolution 56

The President laid before the Senate on first reading the following resolution:

H. C. R. No. 56, Instructing the Enrolling Clerk of the House to make certain typographical correction in Section 3 of House Bill No. 43.

The resolution was read.

On motion of Senator Lane, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Senate Bill 410 on First Reading

Senator Nokes moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Carney
Ashley	Carter
Bell	Colson
Bracewell	Corbin
Bullock	Fuller

Hardeman	Phillips
Kelley of Hidalgo	Russell
Kelly of Tarrant	Shofner
Lane	Strauss
Martin	Tynan
McDonald	Vick
Moffett	Wagonseller
Nokes	

Absent

Hazlewood	Moore
Hudson	Parkhouse
Lock	

Absent—Excused

Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Nokes:

S. B. No. 410, A bill to be entitled "An Act defining a punch board, providing a penalty for the manufacture, ownership, storing, keeping, exhibiting, selling, renting, leasing, letting on share, lending, or giving away, transportation, or possession of a punch board; providing this Act shall be cumulative of all existing laws relating to gaming and to search and to destruction of gaming devices; providing a savings clause; and declaring an emergency."

To Committee on Criminal Jurisprudence.

#### Senate Bill 411 on First Reading

Senator Lane moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Carter	Nokes
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	

**Absent**

Hazlewood Phillips  
Parkhouse

**Absent—Excused**

Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Lane:

S. B. No. 411, A bill to be entitled "An Act amending Section 5 of Senate Bill 284, Chapter 224, Acts of the 50th Legislature, 1947, codified as Article 2815K-1 of Vernon's Texas Civil Statutes, so as to provide that not more than two trustees elected shall be residents of any one annexed district; and declaring an emergency."

To Committee on Educational Affairs.

**Senate Bill 412 on First Reading**

Senator Kelly of Tarrant moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Hudson	Vick
Kelley of Hidalgo	Wagonseller
Kelly of Tarrant	

**Absent**

Moore

**Absent—Excused**

Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Kelly of Tarrant:

S. B. No. 412, A bill to be entitled

"An Act relative to the insuring of risks of sound construction, protected as required for the hazards of occupancy, construction and exposure, and subject to an inspection service acceptable to the Board of Insurance Commissioners; providing for the filing of rates, rating plans, policy forms and endorsements by insurers who insure such risks; prescribing the standards of rates and rating plans so filed; providing for approval or disapproval of such filings by the Board of Insurance Commissioners; prescribing standards for the Board's action; permitting filings by licensed rating organizations; defining persons, associations and corporations that may be licensed as rating organizations; authorizing the operation of checking offices; requiring the filing by insurers of certain information with the Board of Insurance Commissioners; providing that, unless inconsistent with this Act, the insurance of such risks shall be governed by Articles 4878 and 4903 to 4905, inclusive, of the Revised Civil Statutes of 1925; and declaring an emergency."

To Committee on Insurance.

**Senate Resolution 146**

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery the Government Class of Alvin Junior College, Alvin, Texas, and Miss Mary Wood, Sponsor of the Class; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

**House Concurrent Resolution 55**

Senator Bell asked unanimous consent that H. C. R. No. 55 be laid before the Senate for consideration at this time.

There was objection.

Senator Bell then moved that H. C. R. No. 55 be laid before the Senate for consideration at this time.

The motion prevailed by the following vote:

## Yeas—19

Aikin	Lock
Ashley	Moffett
Bell	Nokes
Bracewell	Phillips
Carney	Russell
Corbin	Shofner
Fuller	Strauss
Hardeman	Tynan
Kelley of Hidalgo	Vick
Lane	

## Nays—9

Bullock	McDonald
Carter	Moore
Hudson	Parkhouse
Kelly of Tarrant	Wagonseller
Martin	

## Present—Not Voting

Colson

## Absent

Hazlewood

## Absent—Excused

Weinert

The President laid before the Senate for consideration at this time:

H. C. R. No. 55, Suspending the Joint Rules so that the Senate may consider Senate Bill No. 57 on House Bill days.

The resolution was read.

Senator Hudson moved to lay the resolution on the table subject to call.

The motion to lay on the table subject to call was lost by the following vote:

## Yeas—10

Aikin	Kelly of Tarrant
Bullock	Martin
Carter	McDonald
Colson	Parkhouse
Hudson	Wagonseller

## Nays—19

Ashley	Lock
Bell	Moffett
Bracewell	Nokes
Carney	Phillips
Corbin	Russell
Fuller	Shofner
Hardeman	Strauss
Hazlewood	Tynan
Kelley of Hidalgo	Vick
Lane	

## Absent

Moore

## Absent—Excused

Weinert

Question recurring on the resolution, it was adopted.

## Senate Bill 236 on Second Reading

Senator Carter asked unanimous consent to suspend the regular order of business and that S. B. No. 236 be laid out for consideration at this time.

There was objection.

Senator Carter then moved to suspend the regular order of business and Senate Rule 38 and that S. B. No. 236 be laid out for consideration at this time.

The motion prevailed by the following vote:

## Yeas—24

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Moffett
Bullock	Nokes
Carney	Parkhouse
Carter	Phillips
Colson	Russell
Corbin	Shofner
Fuller	Strauss
Hazlewood	Tynan
Kelley of Hidalgo	Wagonseller

## Nays—5

Hardeman	McDonald
Hudson	Vick
Martin	

## Absent

Moore

## Absent—Excused

Weinert

The President laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 236, A bill to be entitled "An Act arranging the Statutes of this State affecting the business of insurance in appropriate chapters and articles into a consistent whole and under a single Code, making such editorial changes in context as are necessary to that accomplishment, preserving the substantive law as it existed immediately before passage of this Act, and containing all details appropriate to achievement of those purposes; providing for severability of the different articles or parts of

articles so that unconstitutionality of one or more shall not affect the remainder of the Act; repealing in Section 4 thereof certain Statutes and Acts together with all laws or parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Carter offered the following committee amendments to the bill which were severally adopted:

**COMMITTEE AMENDMENT No. 1**

Amend S. B. No. 236 by inserting in Article 21.09, line 11 thereof, directly after the words "insurance carrier" and immediately before the words "to solicit," the words "including Fidelity and Surety Companies."

**COMMITTEE AMENDMENT No. 2**

Amend Senate Bill 236 by striking out Art. 3.62 and substituting in lieu thereof the following:

"Art. 3.62. Delay in Payment of Losses; Penalty For.—In all cases where a loss occurs and the life insurance company, or accident insurance company, or life and accident, health and accident, or life, health and accident insurance company liable therefor shall fail to pay the same within thirty days after demand therefor, such company shall be liable to pay the holder of such policy, in addition to the amount of the loss, twelve per cent damages on the amount of such loss together with reasonable attorney fees for the prosecution and collection of such loss. Such attorney fee shall be taxed as a part of the costs in the case. The Court in fixing such fees shall take into consideration all benefits to the insured incident to the prosecution of the suit, accrued and to accrue on account of such policy."

**COMMITTEE AMENDMENT No. 3**

Amend Senate Bill 236, Art. 3.41, line 2 thereof, by enclosing in quotation marks the words "foreign company."

**COMMITTEE AMENDMENT No. 4**

Amend Senate Bill 236, Art. 3.65, line 1 thereof, by enclosing in quotation marks the words "foreign company."

**COMMITTEE AMENDMENT No. 5**

Amend Senate Bill 236 in the first line of Article 3.60 by adding the word "such" between the word "any" and the word "insurance."

**COMMITTEE AMENDMENT No. 6**

Amend Senate Bill 236, Art. 21.30 by striking out the word "title" where same occurs in line 2 thereof and inserting in lieu thereof the word "code."

**COMMITTEE AMENDMENT No. 7**

Amend Senate Bill 236, Art. 2.07, Section 3, line 4 thereof, by striking out the word "required" and substituting in lieu thereof the word "requires."

**COMMITTEE AMENDMENT No. 8**

Amend Senate Bill No. 236, Art. 21.14 by deleting the word "placed" where same occurs in the second paragraph of Section 2 of said Art., line 27 thereof, and inserting in lieu thereof the word "places."

**COMMITTEE AMENDMENT No. 9**

Amend Senate Bill 236 by striking out in Art. 5.29, line 20 thereof, the word "law" and substituting in lieu thereof the word "subchapter."

**COMMITTEE AMENDMENT No. 10**

Amend Senate Bill 236, Art. 5.13 in the fifth paragraph thereof, line 3 thereof, by changing the word "commissioners" to the word "commissioner."

**COMMITTEE AMENDMENT No. 11**

Amend Senate Bill 236, Art. 3.55, by changing the word "Commissioner" in the title to read "Board."

**COMMITTEE AMENDMENT No. 12**

Amend Senate Bill 236 by inserting in Art. 10.39 in line 3 thereof directly after the word "Texas" and immediately preceding the comma, the words "or this chapter."

On motion of Senator Carter, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

**Senate Bill 236 on Third Reading**

Senator Carter moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 236 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—24

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Nokes
Carter	Parkhouse
Colson	Phillips
Fuller	Shofner
Hazlewood	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Wagonseller

## Nays—4

Hardeman	Russell
Hudson	Vick

## Absent

Corbin	Moore
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## Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

## Record of Votes

Senators Hardeman, Russell, Hudson and Vick asked to be recorded as voting "nay" on the final passage of S. B. No. 236.

## Senate Resolution 147

Senator Vick offered the following resolution:

Whereas, We are honored today to have in the gallery the 7th and 8th Grade Classes of St. Mary's Catholic School of Waco; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

## Bills and Resolutions Signed

The President signed, in the presence of the Senate, after the captions

had been read, the following enrolled bills and resolutions:

H. C. R. No. 56, Instructing the Enrolling Clerk of the House to make certain typographical correction in Section 3 of House Bill No. 43.

H. C. R. No. 24, Granting permission to the District Judges of the State of Texas to be absent from the State of Texas at such intervals and for such time as they may see fit and proper during the years 1951 and 1952.

H. J. R. No. 2, Amending Article III, Section 49-b of the Constitution of the State of Texas, authorizing the issuance of One Hundred Million Dollars of bonds by the Veterans' Land Board to provide money for the Veterans' Land Fund; providing for an election and the issuance of a proclamation therefor.

H. B. No. 43, A bill to be entitled "An Act applying to political parties whose nominees for Governor in the last preceding election received as many as ten thousand (10,000) votes and less than two hundred thousand (200,000) votes; providing for determining the hour and places for holding precinct and county conventions; providing for posting of notices and the filing of notices in connection therewith; providing penalties for failure so to do; providing for certificates for the County Clerk in connection with such filing or non-filing; providing a time during which the County Chairman may not appoint Precinct Chairman; providing for precinct conventions in case of failure to determine hour and places, and post, and file notices therefor; providing that the County Conventions shall be held in a public place at the County Seat; providing a method for determining representation of the various counties, etc.; and declaring an emergency."

## Committee Senate Bill 201 on Second Reading

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 201, A bill to be entitled "An Act to preserve the legality of the time credit price and

its component parts in the sale of motor vehicles sold on installment terms, and requiring a written statement be furnished the purchaser itemizing cost items making up the total time credit price agreed to, and for the prevention of unfair trade practices in the sale of motor vehicles; providing penalties, constitutional clause; providing for the repeal of laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator McDonald offered the following amendment to the bill:

Amend S. B. No. 201 by adding a new paragraph between Section 2 and 3 to be known as Section 2-A which shall provide as follows:

"It is hereby declared to be the intention of the Legislature to require

the seller to furnish the buyer with a statement containing a complete and total list of all charges in the sale of an automobile."

The amendment was adopted.

Senator Carney offered the following amendment to the bill:

Amend C. S. for S. B. No. 201 by adding the following: Nothing in this bill shall apply to people or corporations dealing exclusively in the business of second-hand automobiles and other motor vehicles.

Question—Shall the amendment by Senator Carney be adopted?

#### Adjournment

On motion of Senator Hudson, the Senate at 11:48 o'clock a.m. adjourned until 10:30 o'clock a. m. tomorrow.



**In Memory of**  
**Kosmos Spoetzl**

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Senator Strauss offered the following resolution:

(Senate Resolution 145)

Whereas, On Saturday, June 17, 1950, Almighty God, in His Infinite Wisdom saw fit to call from this life, Mr. Kosmos Spoetzl, of Shiner, Lavaca County, Texas; and

Whereas, Mr. Spoetzl was born in Rosenheim, Bavarian Germany, on March 3, 1873, and at the time of his passing had reached the age of 77 years, 3 months and 14 days; and

Whereas, He had been the owner and operator of the Spoetzl Brewery at Shiner, Texas, since 1914, was a member of the Shiner Catholic Church, the St. Joseph's Society, O.D.H.S. Lodge, the United States Brewers Association, Texas Brewers and Texas Brewers Institute, Shiner Chamber of Commerce and the Business Men's Club, and

Whereas, He is survived by a daughter, Mrs. Cecilie Spoetzl Gasser of Shiner; one step-daughter, Mrs. Gertrude Hoffman, Berlin, Germany; one brother, Josef Spoetzl, Buchwald, Germany; one sister, Mrs. Monica Haslbeck, Rosenheim, Germany; one granddaughter, Mrs. H. C. Leach, Jr., of Shiner; a nephew, Gus Haslbeck of Shiner; and

Whereas, Mr. Spoetzl was widely known for his extensive benevolences and generous contributions to his Church, to all civic enterprises and to community interests; and

Whereas, It is the desire of the Senate to pay tribute to the memory of this fine citizen and generous humanitarian; now, therefore, be it

Resolved, By the Senate of Texas, that we extend our sincere sympathy to the surviving members of the Kosmos Spoetzl family upon their great loss; that each of them be furnished with a copy of this resolution; that a copy be printed in the Journal; and that when the Senate adjourns today it do so in memory of Kosmos Spoetzl.

**STRAUSS**  
**BELL**

The resolution was read and was adopted by a rising vote of the Senate.